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¹ **Reconstruction the Paradigm of Law and Justice on the Regulation of Right to Living Space of the Orang Rimba Tribe In Bukit Duabelas, Jambi Province.***

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¹ **Abstract**

The dominance of state positivism law paradigm in the management of forest areas at Bukit Duabelas in Jambi Province has created a crisis for rights of living space Orang Rimba's tribe. Therefore, this required a stepping think of the pattern of values and norms are expansive with an emphasis on quantity leads to a pattern of values and norms that systemic with emphasis on the quality of humanist and ecological aspects in relationships that complement each other and maintain. This article explores how the paradigm of state law and adat law to regulation of the right to a living space of Orang Rimba's tribe as well as on ways to reconstruct it to fit the spirit of Pancasila.

Keyword: paradigm, positivism law, adat law, rights living space, reconstruction, systemic, Pancasila.

A. Introduction

1. Background

One of the objectives of the establishment of an Indonesian constitutional state is to "...protect the entire Indonesian nation and the whole of Indonesia's blood ..."¹. The aim of this Indonesian legal state is only to be approached in the need for a thorough understanding of the existing legal cultural diversity.

The multiplicity of Indonesian nation's legal culture is derived from the existence of various customary law community units, including remote indigenous communities (Komunitas Adat Tertinggal=KAT) as indigenous minority tribes that have traditionally lived in and around forest areas.²

In relation to the definition of the living space of the remote adat community, the existence ⁴ of the Orang Rimba tribe in the Bukit Duabelas forest area is now legally governed by the legal

* This article is the result of Independent Research writer from August 2015 s.d. June 2016.

¹ Fourth paragraph of Preamble to the 1945 Constitution.

² Article 1 paragraph 1 of the Presidential Decree Number 111 Year 1999 concerning the Remote Indigenous Community Social Welfare Development

considerations letter b of the Decree of the Minister of Forestry of the Republic of Indonesia No. 258 / Kpts-II / 2000, as contained in the following passage:

"..... in the northern part of the Nature and Nature Conservation Area (Biosphere Reserve) of Bukit Duabelas, is a place of the Orang Rimba (Orang Anak Dalam (Orang Rimba)) and is a lowland forest area remaining in Jambi Province, flora, fauna and ecosystems that need to be protected, and found various types of medicinal plants that are a source of livelihoods of the jungle. "(the author's bottom line)

However, statements and acknowledgments as regulated in the Decree of the Minister of Forestry are essentially paradoxical, given the status of the national park for ecosystem protection and biodiversity (biosphere reserves) within it. As regulated in ⁵ Law no. 5 of 1990 on the Conservation of Natural Resources and Ecosystems, that if it has status as a national park³, then the management is done by the state with the zoning system, especially in the core zone that should not at all be carried out activities in it.⁴ Such an arrangement has clearly affected the narrowing or limited living space for the Orang Rimba tribe even though it is acknowledged in Bukit Duabelas National Park.

In addition, there are also paradoxes in the existence of legal uncertainty regarding the status of indigenous and tribal peoples based on Indonesian legislation. On the one hand, indeed if it refers to Article 1 paragraph (1) of Presidential Decree. 111 of 1999, the Orang Rimba tribe can be classified as a customary law community with legal status as a remote indigenous community. While on the other hand, the Orang Rimba tribe can not fulfill the provisions as stipulated in the provisions which can only be met if "there is clear customary law" defined as "settled" as can be seen in the Elucidation of Article 67 paragraph (1) of Law no. 41 of 1999 on

³ Article 32 of Law no. 5 of 1990 on Conservation of Natural Resources and Ecosystems: National park areas are managed by a zoning system ⁵ nsisting of core zones, utilization zones, and other zones as required.

⁴ Article 33 paragraph (1) of Law no. 5 of 1990 on the Conservation of Natural Resources and its Ecosystems: Everyone is prohibited from engaging in activities that may result in changes to the integrity of the park's core zone. Paragraph (2) Changes to the integrity of the core zone of the national park referred to in paragraph (1) include reducing, eliminating the function and area of the core zone of the national park, as well as adding other non-native species and plants.

Forestry. With the requirement to fulfill the status of such a customary law society is to have made the Orang Rimba tribe community in Bukit Duabelas unable to fulfill it, since the Orang Rimba tribe has a semi nomadic belangun culture.⁵

Furthermore, based on the provisions of Article 67 paragraph (2) of Law no. 41 of 1999 on Forestry, where the confirmation of the existence / abolition of an adat law community is stipulated in a Regional Regulation (Peraturan Daerah=Perda). This requirement of legal status can not be fulfilled by Orang Rimba tribe, since up to now there is not a single local government in Jambi Province that has issued a law in relation to the recognition of Orang Rimba tribe as an adat law community.

The existence of rigid requirements through the formulation of hypothetical legal norms above has demonstrated so much the nuance of the legal positivism paradigm in legislation in Indonesia, especially in forest management and its allocation. The paradigm of such legal positivism is more likely to place the right of state control over the right to control the people in relation to forest ownership and management.

Reflecting on the description of the background in such a way, the focus of the study in this article is on the following issues: (1) How is the customary law paradigm of the Orang Rimba tribe on the rights to its living space in Bukit Duabelas forest, Jambi Province ?; (2) How is the paradigm of state law positivism on the rights of ¹Orang Rimba tribe living space in Bukit Duabelas forest area, Jambi Province ?; and (3) How is the reconstruction of the legal paradigm ¹against the regulation of the rights of the Orang Rimba tribe living in Bukit Duabelas, Jambi Province?

⁵ The Orang Rimba tribe has a belangun culture, that is, the habit of moving from one place to another within a relatively long distance due to death. Belangun done to remove all the memories with the dead during his life. By waking up to other places it is hoped that a sad heart can be entertained with a new atmosphere. The occurrence of death in the Orang Rimba tribal settlement is also perceived as a land that is not good anymore to use, because it will give bad luck as long as they survive to occupy it.

2. Theoretical Framework

According to Thomas S. Kuhn, the term "paradigm" is used in two different meanings. On the one hand, it means the entire constellation of beliefs, values, techniques, and so forth shared by members of a particular society. On the other hand, the paradigm represents a kind of element in the constellation, the solving of a concrete puzzle that, if used as a model or example, can replace explicit rules as the basis for solving the still-remnant science puzzles.⁶ From that term, it can be understood that what is meant by the legal paradigm is none other than legal philosophy. In the Indonesian context its legal philosophy is Pancasila as a pluralistic system of customary law philosophy in Indonesia.

Based on its history, Pancasila's legal philosophy is derived from the values reflected in customary law in Indonesia in general, to be subsequently established as a fundamental basis for the enactment of state law. Taken from the *nomus*, to then become the norm. This simple reasoning is sufficient to state that state law should not conflict with customary law. But in reality it is not so. As concerns expressed by Satjipto Rahardjo in his writing follows:

"We often express our pride as a virtuous nation; moral, family, togetherness, and the like. However, it does not penetrate to our legal culture. Culture is even more likely to individualism. All morality is not yet our social capital (SC)."⁷

As the customary laws and character of the Indonesian people are open to change, the national legal system also has an openness to change, as long as the change is both moral and religious, just for all, and happy for everyone when changed.

⁶ Thomas S. Kuhn, *The Structure of Scientific Revolutions: The Role of Paradigms in the Science Revolution*, PT Remaja Rosdakarya, Bandung, 2000, p. 170.

⁷ Satjipto Rahardjo, *Membedah Hukum Progresif*, Editor: Joni Emirzon, I Gede A.B. Wiranata, Firman Muntaqo, Book Publisher Kompas, Jakarta, 2006, p. 6.

The reconstruction of this legal paradigm is intended to allow the law of the state to provide prosperity and justice for all the people of Indonesia, including providing protection for the ¹ right to a living space for the Orang Rimba tribe in Bukit Duabelas. According to John Rawls, the "unfair" condition that needs to be reformed is when the dominance of freedom or freedom given to one group interferes with the freedom of the other.⁸

3. Research Methods

In addition, if viewed from the form of legal research that answers the problems in this study by combining between normative legal research with empirical law research, then this type of research is categorized as a socio legal research. It is viewed as such, since it departs from the notion that law as nomus and norm with law as a social living space is an ever-connected entity, as revealed by Cicero in the adage of sweet potato societies, *ibi ius* (where there is society, there is law), then according to the authors, a legal study in its study requires a dialectic between legal doctrine and social space in its living space. Therefore, the legal research conducted by the authors in this dissertation is a legal socio-legal research that combines legal studies and social studies of law.

B. Discussion

1. Paradigm of Customary Law of Orang Rimba Tribe on the Right to Living Space In Bukit Duabelas Forest Area, Jambi Province

Thomas Kuhn states that the human communities will only be able to maintain its existence on the basis of its ability to develop the same pattern or model of thought to define its

¹ John Rawls, *Teori Keadilan: Dasar-dasar Filsafat Politik Untuk Mewujudkan Kesejahteraan Sosial Dalam Negara*, Translated by Uzair Fauzan and Heru Prasetyo, Pustaka Pelajar, Yogyakarta, 2011, p. 256.

knowledge, to then be utilized as the most normal life support.⁹ Thus, not all community groups have a paradigm or similar understanding of various aspects of life. Like the construction of Aristotelian paradigm thinking in the understanding that the universe as a single order is pre-established, finalistic, all-diesel and teleological (teleos = purpose) is "not to be disturbed".¹⁰

Such interpretation in modern interpretation is called metaphysical interpretation (commentary outside physics). According to Jujun S. Suriasumantri, the metaphysical interpretation is found in supernatural (supernatural) forms and these are higher or more powerful than the real nature.¹¹ This magical-religious religious metaphysical interpretation still occupies the first position in the customary law ⁴ of the Orang Rimba tribe in Bukit Duabelas which is still guarded by its descendants.

The nuance is so reflected in the understanding of the people of the Orang Rimba in Bukit Duabelas who know the existence of four realms, namely:¹² Halom Bahelo, which is the life of God; Halom Dewo, the realm of god life believed to be an intermediary to connect with God; Halom Nio, the natural place of human life; Halom Kafir, that is the realm of land that is believed to be the source of all diseases.

Through its traditional knowledge, Orang Rimba tribe people have been able to raise the order of values (nomus) into norms (norms) that are wise in relation to the natural forests of Bukit Duabelas. Departing from the foundation ¹ of the Orang Rimba tribe in the forest of Bukit Duabelas which is so related to the existence of Bukit Duabelas forest cosmos, all the life cycle of Orang Rimba tribe from birth to death related to forest ecology of Bukit Duabelas.

⁹ Soetandyo Wignjosoebroto, *Pergeseran Paradigma Dalam Kajian-Kajian Sosial dan Hukum*, Press Release, Malang, 2013, p. 9-10.

¹⁰ *Ibid*, p. 12.

¹¹ Jujun S. Suriasumantri, *Filsafat Ilmu, Sebuah Pengantar Populer*, Sinar Harapan Library, Jakarta, 2001, p. 64.

¹² Result of interview with Besemen, Mangku Adat of Orang Rimba Kedundung Muda Area (Bukit Duabelas), Sunday, May 22, 2016.

The subsequent runway is transferred to spatial knowledge, ie, as knowledge of space in observation units, where the forest area that becomes the living space for the Orang Rimba tribe, as well as the demand for customary tenure rights to the forest is as expressed in seloka indigenous Orang Rimba tribe, “Pangkal Waris Tanah Garo, Ujung Waris Tanah Serengam dan Air Hitam Tanah Berjenang”.¹³ (The base of the Garo Garut Land, the Edge of Serengam Land and the Soil Black Water).

Then the spatial knowledge is flowing to kinematic knowledge, that is, as the knowledge of the implementation implementation. Kinematically, in the utilization and management of resources in Bukit Duabelas forest, Orang Rimba regulates its position in the form of a region consisting of rimbo, beumo (beladang), then that becomes sesap, then becomes the bearer, after which become benuaron. In addition, there is also a religious magical region in the form of tanoh peranokan and tanoh pasaron. Rimbo is seen by Orang Rimba as a forest area of Bukit Duabelas belonging together as a place of wanderings in meeting the needs of life by hunting or gathering.

From such kinematic knowledge, the next has presented physical knowledge, ie as knowledge of substance. Physically, Orang Rimba tribal customs occur from the life situation of the Orang Rimba tribe when faced with the natural conditions of Bukit Duabelas, which means that Orang Rimba never remain silent in dealing with self-determination, interaction between themselves and with outsiders, and in its relationship with the nature of Bukit Duabelas.

After understanding the physical knowledge, then flow to the knowledge of biotic (life). Knowledge of life, the title of "Orang Rimba" itself, is basically an interpretation of the identity of their life which views the customs and forests of Bukit Duabelas as the main key of their lives

¹³Result of interview with Besemen, Mangku Adat of Orang Rimba Kedundung Muda Area (Bukit Duabelas), Sunday, May 22, 2016.

since their ancestors as their customs "adat lamo pesako usang" meaning old custom will not change, nor so in the wisdom of keeping the Hill of Twelve as the living space.

Furthermore, after resting on biotic knowledge, subsequent knowledge is transformed into psychic knowledge, which means knowledge of consciousness. Psychologically, the Orang Rimba tribe people in the forests of Bukit Duabelas reflect themselves by following all the wisdom in relation to the right to their living space in Bukit Duabelas forest by following the natural instinct of their spontaneous feelings, even if there is an occult arrangement. From what they have seen so far, with them following the rules of customary law, things seem to go without hindrances. This natural instinct can be observed from that contained in seloka indigenous Orang Rimba tribe following:¹⁴

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*may bejingkek ngan lembago;
 may betumang ngan adat;
 senggan selutut arungan darah;
 senggan pinggang labunan bangkai;
 idup mati adat pesako.*

Translation:

by standing on the institution (Orang Rimba tribal community);
 by sitting on custom;
 even at knee high blood level;
 even at waist height of the problem;
 the life of the Orang Rimba tribe will survive with the customary law.

After that, the awareness (psychic knowledge) of the Orang Rimba tribe is transformed into socio-cultural knowledge, namely knowledge of civilization. In the social cultural knowledge, the Orang Rimba tribe defines the existence of Bukit Duabelas forest as a form of cosmic balance and socio-cultural balance. The cosmic and socio-cultural balance shown in the Orang Rimba tribe's interaction in Bukit Duabelas forest is seen by Orang Rimba tribe as something of value, so that it can inspire respect and give birth to the behavior of the protection and care of the living space.

From after going through such a solid nominal process, it is then raised to norm (norm) in customary law which then sees Bukit Duabelas as an heirloom (pesako) with the regulation of the norms cycle through its customs as follows:

¹⁴Result of interview with Besemen, Mangku Adat of Orang Rimba Kedundung Muda Area (Bukit Duabelas), Monday, August 25, 2015.

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*Ado rimbo, ado bungo;
Ado bungo, ado dewo;
Hopi ado rimbo. Hopi ado bungo;
Hopi ado bungo. Hopi ado dewo.*

Meaning:

Where there is forest, there are flowers;

Where there is a flower, there is a god;

If the forest does not exist anymore, then there is no more interest;

If the flower does not exist anymore, then no more gods can give good luck.¹⁵

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*Rimbo Bukit Duobelay sebagai pesako, sebagai rimbo dewo, untuk umo, untuk belindung
supayo ngon hujan lebat, hopi terlalu teraso, ngon hutan rimbo tejago, angin dak terlalu
kencang, rimbo untuk pasohon (makam).*

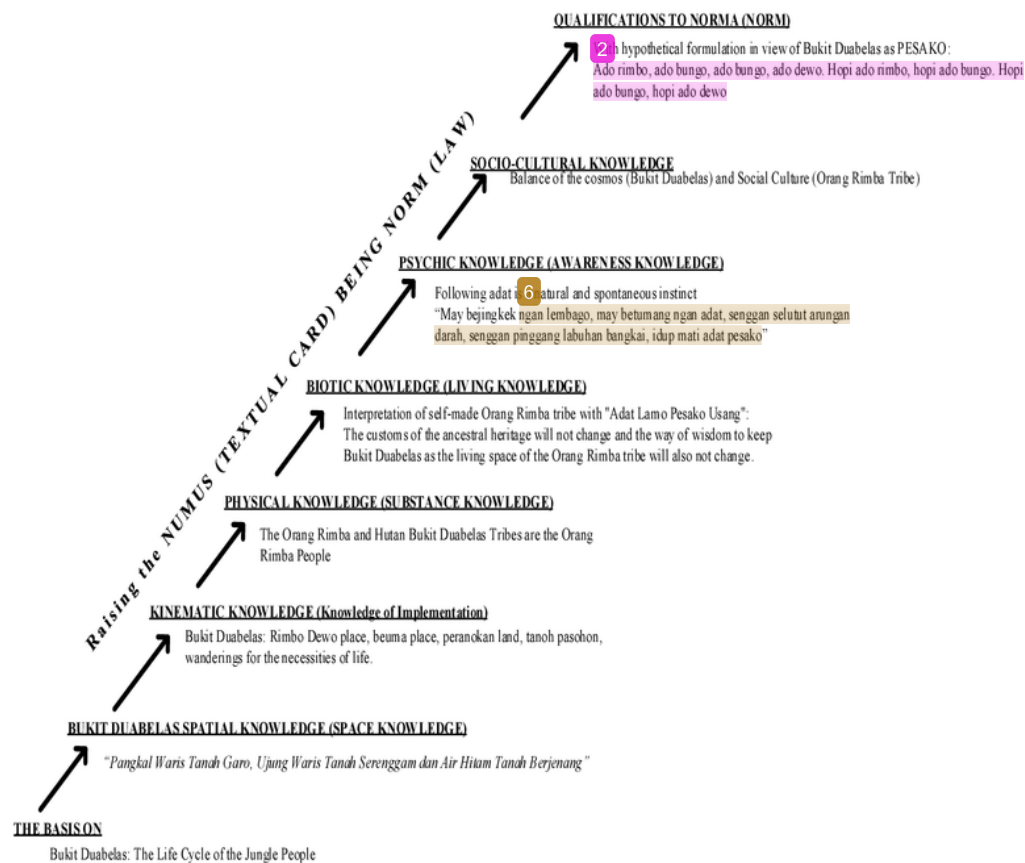
(Hutan Bukit Duabelas as an heirloom is a place where their gods, their place of life, shelter so that if there is heavy rain, it will not be so felt and if the forest of Bukit Duabelas is awake, the wind will not be so much, and the forest of Bukit Twelve is also a place to be buried).¹⁶

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Pusaka (pesako) in the understanding of the Orang Rimba tribe in Bukit Duabelas is anything that is sacred or denied to be broken because it can lead to disaster. So then the customary legal norms of the Orang Rimba tribe that are peculiar to the place of life and the way of life of the Orang Rimba tribe are designated as the basic benchmarks for the customary heirs in order to distinguish them from the lives of people outside in general.

¹⁵The result of interview with Tarib, Tumenggung Orang Rimba Kedundung Muda Area (Bukit Duabelas), Saturday, 22 August 2016.

¹⁶Result of interview with Besemen, Mangku Adat of Orang Rimba Kedundung Muda (Bukit Duabelas), Monday, August 25, 2015.



From the chronological explanation of the rise of the nomus to norm in the Orang Rimba tribe society in relation to Bukit Duabelas as its living space as it is, the dynamics are in accordance with Satjipto Rahardjo's view that the law is the product of human construction, whether it is social, political or cultural construction.¹⁷ In terms of aspects of its usefulness, the customary law paradigm Orang Rimba tribe with various traditional wisdom has been able to keep their forests remain sustainable.

¹⁷Satjipto Rahardjo, *Sisi-sisi Lain Dari Hukum Di Indonesia*, Book Publishers Kompas, Jakarta, 2003, p. 27.

2. Positivism Paradigm of the Law of the State Against the Regulation of the Rights of the Living People's Spaces In Bukit Duabelas, Jambi Province

The traditional cultural phenomenon of the tribe of Orang Rimba in Bukit Duabelas as described in the first discussion, is currently continuously depressed in unison with the state's perspective departing from the Galilean paradigm, then developed through the Cartesian and Newtonian paradigms, which are further introduced through the legal positivism paradigm .

The Galilean paradigm seeks to understand the order of the universe no longer as a harmonious pre-established God's order¹⁸, but has regarded nature as a motion acting in accordance with mechanical laws and everything in the realm of matter can be explained in terms of order and movement of its parts .¹⁹

Then the Galilean understanding became the foothold for the Cartesian-Newtonian paradigm in the placement of principles: (a) anthropocentric subjectivist, the principle that represents the realization that man is the center of the world; (b) dualistic, this principle presents the existence of the division of reality into subjects and objects (man and nature), by placing the superiority of the subject against the object; (c) reductionists, a view which assumes that reality can be understood by analyzing and breaking it into small parts, then explained by quantitative measurement. The results of the investigations of the small parts were then generalized for the whole; (d) the deterministic-mechanical, cosmological assumption that the universe is a dead, lifeless and static giant machine.²⁰

In its development, then the characters in the Cartesian-Newtonian paradigm become the existing paradigm and then introduced into the positivistic legal paradigm. The influence of the

¹⁸Soetandyo Wignjosoebroto, *op.cit.*, P. 14.

¹⁹Anthon F. Susanto, *Ilmu Hukum Non Sistematis: Fondasi Filsafat Pengembangan Ilmu Hukum Indonesia*, Genta Publishing, Yogyakarta, 2010, Genta Publishing, p. 47.

²⁰Anthon F. Susanto, *Dekonstruksi Hukum: Eksplorasi Teks dan Model Pembacaan*, Genta Publishing, Yogyakarta, 2010, p. 31-32.

character of legal positivism then shows that the law is as a great machine without a spirit and soul that moves completely uncertain, and is closed to changes that exist outside the machine.²¹

With the mechanistic character of the closed legal positivism of all that is outside the machine it certainly does not give a place against the customary law paradigm of the Orang Rimba tribe in Bukit Duabelas that is religiously magical. In the end it leads to the rejection of moral teachings in customary law because it comes from elements of a doubtful nature, as many have been the way of the local government's view, from the Bukit Duabelas National Park Office, the palm oil companies, the community transmigration villages and Malay village communities around Bukit Duabelas.

Furthermore, with the characteristic of superiority, as Kelsen's teachings reduce the divergent reality of law into single or Austin who assume that law is a sovereign command to reduce forces other than the state, especially the forces that live in very diverse societies.

Superiority in legal positivism has been shown also through the concept of the right of state control to subdue the existence of indigenous and tribal peoples. With the conception of the state's right to control under a number of agrarian-related legislation, the state has unfairly taken over the rights of the Orang Rimba tribal space in Bukit Duabelas through the rights of forest management, industrial plantation forest, palm plantation permits, transmigration or through conservation.

Reductionistically, legislation relating to the regulation of the management of living space and natural resources as the rights of indigenous peoples has always been accompanied by the phrase "as long as it is not contrary to the national interest" or "as long as it exists and is recognized and so on". In this way the government carries out legal politics with a neglect of legal pluralism that is actually living and prevailing in indigenous peoples. So even in the

²¹*Ibid.*, p. 33.

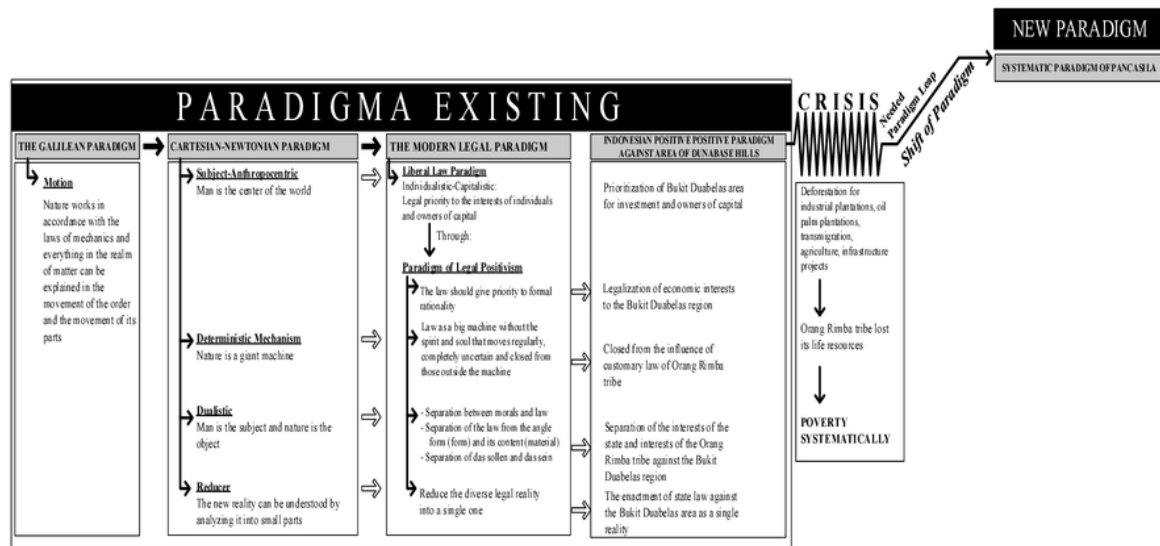
political level of the law of the state who always want to issue the Orang Rimba tribe from the forest of Bukit Duabelas through PKMT program (Resettlement of Distanced People), because the area of Bukit Duabelas is status as a national park.

With so diminished access to natural resources in Bukit Duabelas forest today has forced the Orang Rimba tribe to adapt to the new natural environment conditions. But the limited ability of both skill and economy makes it difficult for them to find new ways of living. The condition of Orang Rimba tribe people who still survive in the forest of Bukit Duabelas at this time its condition very very concern. Today there are many Orang Rimba tribal groups living in a very specific ecological niche. This group relies on living from exotic sources that are not commonly used, such as by eating gadung.

Though life is an option, then essentially no human being may regulate and injure the right of life of another person whose nature is a human right. As set out in the opening section of the United Nations Declaration on the Right of Indigenous People, it is emphasized that every human being should respect the rights of indigenous peoples and promote such rights in relation to the political, economic and socio-cultural aspects, ulayat, territorial boundaries and deep resources contained within the tribal habitat.²²

Reflecting on the dynamics of the crisis experienced by the Orang Rimba tribe community in Bukit Duabelas, it is necessary to have a shift of paradigm that is deemed capable of reconstructing the existing paradigm of state law through a paradigm that can unite humanist and ecological aspects simultaneously.

²²“Recognizing the urgent need to respect and promote the inherent rights of indigenous people which derive from their political, economic and social structure and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources” (Preamble, UN Declaration on the Rights of Indigenous People).



3. Reconstruction of the Legal Paradigm Against the Regulation of the Right to Living Room of Orang Rimba Tribe in Bukit Duabelas In The Framework of Systemic Paradigm Pancasila

Today the people ¹ of the Orang Rimba tribe in Bukit Duabelas have seen that, "ancomon doomsday todo helangyo Orang Rimba with segelo life in halom hill hill dalang Sodah visible" (meaning: the doomsday threat of the destruction of Orang Rimba and all life in Bukit Duabelas is very real) . With this understanding it can be said that the living space crisis experienced by the Orang Rimba tribe is also related to the crisis of legal understanding of the Orang Rimba tribe's nature as an indigenous and tribal peoples, to the nature of Bukit Duabelas' natural and ecosystems, and to the relationship between Orang Rimba tribes in the whole ecological nature of Bukit Duabelas forest.

This means that the existing paradigm of existing law and justice is no longer able to explain the reality of the ¹ right to the living space of the Orang Rimba tribe in Bukit Duabelas. From such a cycle of dynamics, the crises and disasters ⁴ of the Orang Rimba tribe's living in Bukit Duabelas can only be overcome by finding a new way of viewing the rights to his living

space in Bukit Duabelas. The paradigm shift here is intended to rebuild the changes concerning the thinking, understanding, worldviews, changes in values and behaviors ascribed to the laws of the state to the reality experienced by the Orang Rimba tribe community in Bukit Duabelas.

In relation to the need for a change of paradigm of law and justice that can conform to the legal needs of the Orang Rimba tribe's living rights for the happiness ⁴ of the Orang Rimba tribe and people in Bukit Duabelas, it will be reconstructed through a new paradigm of systemic paradigm with the spirit of Pancasila.

Starting from a systemic point of view, as a way of thinking about reality as a whole as an interdependence and intrinsic relevance among all natural phenomena and life in it, both physical, biological, psychological, social and cultural.²³

In this systemic way, the Orang Rimba and Bukit Duabelas tribes should be regarded at once, since it must be understood that Orang Rimba is an entity from Bukit Duabelas forest. A worldview that is born out of a pattern of relationships between the Orang Rimba tribe and Bukit Duabelas forest that fills each other in mutually supportive and supportive relationships. A perspective derived from a basic understanding that man is not only a social being but also as an ecological creature, the Jungle can not develop into a complete self without the ecosystem and without contact with the entire Bukit Duabelas forest.

The Orang Rimba tribe is part of Bukit Duabelas forest. Bukit Duabelas Forest is a life, contains various life, giving life and life support including Orang Rimba tribe life. The Forests of Bukit Duabelas are understood by Orang Rimba as a basic entity with their lives, therefore maintaining the forests of Bukit Duabelas means preserving the life of Orang Rimba itself. From this understanding it appears that humanistic and ecological aspects develop simultaneously.

²³Fritjof Capra, *The Turning Point: Science, Society, and the Rising Culture*, Bantam Books, California, 1983, p. 17.

The harmony in humanism in the legal and justice paradigm of the ¹right to the living space of the Orang Rimba tribe in Bukit Duabelas, as a whole is seen as a way of preventing the natural ecology of Bukit Duabelas forest from falling apart. The disappearance or shrinking of harmony in the humanism appreciation of the Orang Rimba will be seen as a sign of the decomposition of natural elements of Bukit Duabelas forest.

Against the elements that support the natural forests of Bukit Duabelas, efforts to maintain harmony are explained in various rituals, where the ties between Orang Rimba, forest, crops and supernatural powers are confirmed in equilibrium. The indigenous seloka and spell of Orang Rimba tribe people are directly oriented to the whole elements that support the natural forests of Bukit Duabelas. Likewise with taboos and adat sanctions for violations of these matters, all are oriented towards maintaining harmony between the humanitarian treatment of the Orang Rimba tribe and the sustainability of Bukit Duabelas forest.

Without clean water on the little rivers of Bukit Duabelas, the Orang Rimba will be sick. Without the Bukit Duabelas forest, there will be no food. Thus, there is a series of life webs that are tightly knit in the ecosystem that enables life, both the Orang Rimba's life and the life of the Bukit Duabelas forest in general. Without the forests of Bukit Duabelas, there is no life for Orang Rimba on an economic level. Even from a cultural point of view, Orang Rimba tribe can not live as religiously and culturally magical beings without the existence of Bukit Duabelas forest. Culturally Orang Rimba depend entirely on Bukit Duabelas forest. Culture in question is found in ritual ceremonies (bedewo), marriage (bebalai), thanksgiving, rejection, family relationships, including funeral ceremonies (pemakoman), all are determined by the ecosystem in Bukit Duabelas forest.

The Culture of the Orang Rimba tribe is the result of all the system processes that are related to each other in Bukit Duabelas forest with all its life, including the animals and plants that are there. Therefore, both the Orang Rimba tribe and the animals and plants in the forest of Bukit Duabelas have the same right to grow together in the process of mutual influence between them and the influence of each other with the surrounding ecosystem.

It means existentially, the Orang Rimba tribe in ¹the paradigm of law and justice for the rights to its living space in Bukit Duabelas forest must be systemically understood to unite humanist and ecological conception. Without the forest of Bukit Duabelas, the Orang Rimba tribe's life will perish on its own.

Then no less important, the systemic paradigm must also pioneer Pancasila, namely as a binding paradigm of togetherness between countries with diverse ethnic groups in Indonesia. The meaning of Pancasila as a test stone for the systemic paradigm can always be connected with each of the silanya.

By striving on the values of divine morality as stated in the first principle of Pancasila, it soon unfolds that the state law's paradigm of justice to the ¹living space of the Orang Rimba tribe in Bukit Duabelas must be harmonized in harmony with the Creator, in a grateful pattern of the grace of the Almighty. With the paradigm of gratitude will flow to the understanding of ethics that protect the ¹rights to living space Orang Rimba tribe means taking care of the sustainability of Bukit Duabelas forest. Taking care of both means keeping life. Thus, the legal and justice paradigm of the ¹right to the living space of the Orang Rimba tribe in Bukit Duabelas must have an ethical, natural and divine basis.

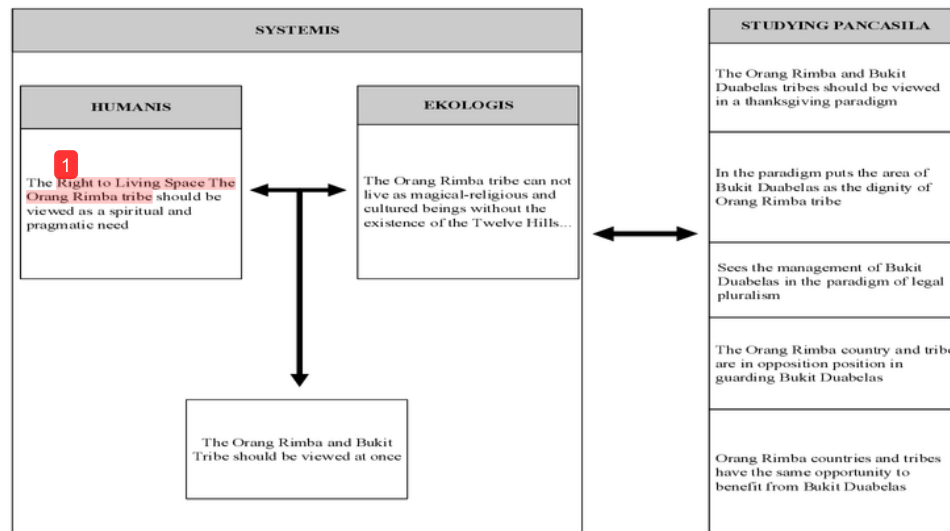
In the relationship between the precepts of humanity and the ¹right to the living space of the Orang Rimba tribe in Bukit Duabelas there must be a legal construction which can create the

awareness of each party to treat the Orang Rimba tribe as an individual in full and enable him to live up to his human dignity.

Meanwhile, in the relationship between the existence of the precepts of the Unity of Indonesia with the issue of the legal and justice paradigm of the ¹right to the living space of the Orang Rimba tribe in Bukit Duabelas which needs to be aspired is not the law of the country that kills the customary law of Orang Rimba tribe, but it is a legal and justice paradigm emerging from intensive interaction with customary law of Orang Rimba tribe in Bukit Duabelas. Through this epistemological knowledge of pluralism, the legal system governing the rights of the Orang Rimba people's living space is no longer as a rigid entity, which between the customary law system of the Orang Rimba tribe and the legal system of the state can complement each other. The compromise between the two traditions based on each legal element is possible to provide a solution to the difference.

With the paradigm of the people's holiness, then in formulating how the paradigm leap that must be built in laying the paradigm of law and justice to the rights ¹of the Orang Rimba tribe living in Bukit Duabelas must be placed on the existence of the Orang Rimba tribe people having rights, obligations and responsibilities together with the state over the existence of Bukit Duabelas forest.

While through the social justice test stone for all Indonesians, it is necessary that the Orang Rimba tribe should be seen as having equal opportunity with the state in receiving benefits from Bukit Duabelas forest, in the interest of the right to its living space in order to maintain its alliance, in order to continue its existence and can sustain his life personally.



C. Conclusion

The Orang Rimba tribe's way of thinking about the rights to its living space in Bukit Duabelas forest is by raising the order of values (nomus) into norms (norms) that are wise with the foundation's construction modalities, space knowledge, kinematic knowledge, physical knowledge, living knowledge, and socio-cultural knowledge.

The perspective of the positive law of the state against the existence of Bukit Duabelas which is the living space of Orang Rimba tribe has been so influenced by the Cartesian-Newtonian paradigm and the capitalistic industrialization demands by providing rationality and predictability in economic life. In support of the way of thinking is then happened the centralism of state law by ignoring the existence of customary law Orang Rimba tribe.

The reconstruction of the paradigm of law and justice to the regulation of the rights of the Orang Rimba tribal space in Bukit Duabelas is by making a leap of thought from the existing legal paradigm so positivistic mechanistic that it is difficult to achieve justice to the paradigm that connects the systemic legal paradigm with the Pancasila law paradigm. Thus there will be a

dialectic between the systemic legal paradigm as a way of thinking about reality as a whole as an interdependence and intrinsic relevance between all natural phenomena and life in it, both physical, biological, psychological, social and cultural (humanist and ecological) with the paradigm of Pancasila.

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